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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,314	03/26/2001	Martin Vetterli	123593.00106	8869
27557 7590 10/16/2008 BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037			EXAMINER NGUYEN, PHU K	
			ART UNIT 2628	PAPER NUMBER
			MAIL DATE 10/16/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/817,314

Applicant(s)

VETTERLI ET AL.

Examiner

Phu K. Nguyen

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 8, 10, 12-20, 22-31, 36-38, 44 and 45 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 8, 10, 12-20, 22-31, 36-38, 44 and 45 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8, 10, 12-20, 22-31, 36-38, 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over LYNDE (6,181,302).

As per claim 1, Lynde teaches the claimed "computerized method for annotating an element of a view captured at a focal length" (Lynde, the magnification is equivalent to the focal length; column 3, lines 41-43, column 7, lines 39-45) comprising the steps of:

(a) "retrieving a set of elements to annotate in said view" (Lynde, the real world image 76 read from the storage device 66; column 6, lines 50-63);

b) "obtaining an identification of each said element" (Lynde, column 6, lines 24-26, 40-52);

(c) "relating the identification to annotating data associated with said elements" (Lynde, column 6, lines 7-17; column 7, lines 28-38); and

(d) "causing the annotating data to be displayed" (Lynde, the display manager 127a; column 5, line 60 to column 6, line 6).

It is noted that Lynde does not explicitly teach "the set of elements is dependant on the focal length" as claimed. However, given Lynde's nature and manmade geographical features captured by the camera or read from the storage device 66, it would have been obvious to relate the Nav glass' magnification (column 3, lines 41-

43, column 7, lines 39-45) to the dependency of this set of elements on the focal length (or Nav glass' magnification) because the magnification of the objects on display indeed represents the focal length of the glass.

Claim 8 adds into claim 1 "relating the identification to the annotating data comprises referring to a database" (Lynde, the Electronic Nautical Chart database; column 4, lines 54-55).

Claim 12 adds into claim 1 "generating of one of a visual signal, auditory signal and tactile signal" (Lynde, the visual signal of the real world image 76).

Claim 13 adds into claim 1 "displaying the annotating data in combination with displaying an image/video of the view" (Lynde, column 5, lines 52-57).

Claim 14 adds into claim 1 "displaying the annotating data comprises highlighting" (Lynde, highlighted symbols; column 3, lines 57-58).

Claims 15-20 add into claim 1 the views seen through camera (used for training, commercial establishment, from within a museum, in navigation, shopping display, of participants in a meeting) which would have been obvious for real world images seen through Lynde Nav's camera on a certain route on navigation (Lynde's natural and

manmade geographical features; column 5, lines 63-64; e.g., markets, aircraft carrier museum, ship gatherings on a seaport, ...)

Claim 23 adds into claim 1 "the view is taken by a camera" (Lynde, the Nav glasses 26; column 4, lines 6-14).

Claims 24-26, 29 add into claim 1 the identification system which defines the desired object such as radio beacon, meta-information, position and viewing direction, ... (Lynde, tracking information; column 6, lines 30-40, 54-56; column 8, lines 6-15).

Claims 27-28 add into claim 1 "a portable device and touching screen" which would have been obvious to Lynde's movable cursor 61 and trackball 60 (Lynde, the navigation system 22; column 4, lines 26-30, 43-67).

Claim 30 adds into claim 1 "the annotating data is further based upon an analysis of the view" (Lynde, column 5, line 60 to column 6, line 6).

Claim 36 is similar to claim 1 and adds "enabling said element to be selectable so that when the element is selected additional information is displayed" (Lynde, the cursor on designate target; column 4, lines 26-34).

Claim 38 is similar to claim 1 and adds "the identification is based on visual cues" (Lynde, an image of any scene viewed by a user or mariner; column 4, lines 6-8, column 5, lines 63-64).

Claim 10 adds into claim 38 "the signal from the element has been located using array processing" which is well known in the art and merely known as mere design choice because Applicant's disclosure does not provide any specific technique of array processing on the Disclosure.

Due to the similarity of claims 22, 31, or 37, or 44-45 to claims 1, 8, 13-20, 23-30, they are rejected under the same reason.

RESPONSE TO APPLICANT'S ARGUMENTS:

Applicant's arguments filed July 7, 2008 have been fully considered but they are not deemed to be persuasive.

For claims 1 and 22, Applicant argues that Lynde does not teach the data supplied in different scales which is incorrect as Lynde teaches the magnification of displayed objects (column 3, lines 41-43, column 7, lines 39-45).

For claim 36, Applicant argues that Lynde's elements are not selectable which is not correct (Lynde, the cursor on designate target; column 4, lines 26-34).

For claim 38, Applicant argues "Lynde does not teach the use of visual cues" which is not correct (Lynde, an image of any scene viewed by a user or mariner; column 4, lines 6-8, column 5, lines 63-64).

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272 7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phu K. Nguyen/
Primary Examiner, Art Unit 2628